

**EXHIBIT 4**

**SOL WAIVER**

### WAIVER OF STATUTE OF LIMITATIONS

WHEREAS, the United States of America has informed Allied Capital Corporation ("Allied"); Ciena Capital, LLC ("Ciena");<sup>1</sup> and Robert Tannenhauser, Michael Cohen, Jennifer Goldstein, Louis Hafkin, Matthew McGee and Joan Sweeney ("the Named Individuals") that the United States and its agencies (the "United States") believe they have certain civil claims, including claims under the False Claims Act, 31 U.S.C. §§ 3729 *et seq.*, against Ciena and the Named Individuals currently or formerly employed by Ciena for deficient origination, underwriting, issuing, processing, and servicing of loans guaranteed by the U.S. Small Business Administration during the period 1999 to 2008, as specified in the FCA Settlement Agreement resolving those claims ("Covered Conduct"), and against Allied and the Named Individual employed by Allied based solely upon Allied's ownership interest in Ciena and Ciena's participation in the Covered Conduct;

WHEREAS, Ciena, Allied and the Named Individuals dispute all claims asserted by the United States with respect to the Covered Conduct; Ciena, Allied and the Named Individuals deny that they have engaged in any wrongdoing with respect to the Covered Conduct; and Allied and the Named Individual employed by Allied further deny that they have any liability for the Covered Conduct based upon Allied's ownership interest in Ciena;

WHEREAS, the parties have entered into a Civil Settlement Agreement to settle the United States' above claims prior to suit;

NOW, THEREFORE, through the undersigned authorized counsel, the United States, Allied, Ciena and the Named Individuals agree that, as consideration for the United States not filing or asserting claims in a civil action, against Allied, Ciena or the Named Individuals under the False Claims Act, 31 U.S.C. §§ 3729 *et seq.*, on or before March 26, 2010, the period of time between and including September 1, 2009 and the latter of: (a) ten business days following a Final Order by the United States District Court for the Northern District of Georgia ruling upon the United States' Conditional Notice of Dismissal in the case captioned *United States ex rel. Brickman, et al. v. Business Loan Express, et al.*, No. 04 Civ. 3789 (the "Civil Action"); or (b) the date the United States notifies the District Court of its election decision and, if applicable, files a Complaint in Intervention in the Civil Action, shall be excluded when determining whether any civil or administrative claims are time-barred by statute of limitations, laches, or any other time-related defenses. Allied, Ciena and the Named Individuals further agree that they will not assert or argue in any judicial or administrative forum that the United States has failed to act in a timely fashion and will not plead statute of limitations, laches, or other similar defenses to any civil or administrative action against Allied, Ciena, or the Named Individuals based on the conduct described above that is asserted by the United States on or before the latter of: (a) ten business days following a Final Order by the United States District Court for the Northern District of Georgia ruling upon the United States' Conditional Notice of Dismissal in the Civil Action; or (b) the date the United States notifies the District Court of its election decision and, if

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<sup>1</sup> Ciena Capital, LLC, formerly known as Business Loan Express, LLC ("BLX"), has several subsidiaries, including but not limited to Business Loan Center, LLC ("BLC"). References hereinafter to "Ciena" also include BLX, BLC and any of Ciena's other predecessors, successors or affiliates.

applicable, files a Complaint in Intervention in the Civil Action, except to the extent such defenses were available to Allied, Ciena, or the Named Individuals on or before September 1, 2009.

The United States of America

JOYCE R. BRANDA  
Director  
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Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

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Dated: March 30, 2010

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Counsel for the Named Individuals

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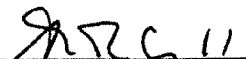
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